

JUN 16 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : CUNNYNGHAM, Charles Thomas
 SERIAL NO : 10/784,062
 FILED : February 20, 2004
 TITLE : INBRED MAIZE LINE PH87H

Grp./A.U. : 1638
 Examiner :
 Conf. No. : 7826
 Docket No. : P06298US02 - PHI 1467C

PRELIMINARY AMENDMENT

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

It is respectfully requested that this Preliminary Amendment be entered and made of record. The following amendments and remarks place the application in form for allowance. No new matter is presented, as such the Amendment is proper under 37 C.F.R. §1.115. Applicant respectfully requests reconsideration.

Introductory Comments

Claims 1-10 are pending in the present application.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks/Arguments begin on page 6 of this paper.

06/22/2005 PSTANBAC 00000000 000000 10784062

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

01 FC:1201 I hereby certify that this correspondence is, on the date shown below, being:

MAILING


☐ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop Amendment, Alexandria, VA 22313-1450.

Date:

6/16/05

FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (571) 273-8300.


 EILA A. T. AKRAD

BEST AVAILABLE COPY

REMARKS

Applicant respectfully submits that this Preliminary Amendment will not unduly interfere with the preparation of the first Office Action. The present application relates to inbred maize plant and seed PH87H.

Claims 1-10 are pending in the present application. Claim 2 has been amended. Applicant acknowledges the addition of new claims 11 and 12. The new claims do not add new matter as there is support for the claims in the originally filed specification. Support for the specific items noted in the claims can be found within the specification for waxy starch on page 32; for male sterility on page 42; for herbicide resistance on pages 39-41; for insect, bacterial, fungal and viral disease resistance on pages 36-39; and the SSR profile on pages 65-67. In addition, Applicant has amended the specification to clarify the deposit language. Applicant has also amended the specification on page 64, to remove the hyperlink and instead just recite the Internet address as in accordance with MPEP § 608.01. No new matter has been added. Entry of this Preliminary Amendment and approval of the changes is respectfully requested.

In conclusion, Applicant submits in light of the above amendments and remarks, the claims as amended are in a condition for allowance, and reconsideration is respectfully requested. If it is felt that it would aid in prosecution, the Examiner is invited to contact the undersigned at the number indicated to discuss any outstanding issues.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



Lila A. T. Akrad, Reg. No. 52,550
McKREE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No: (515) 288-3667
Fax No: (515) 288-1338
CUSTOMER NO: 27142
Attorneys of Record

- lata/bja -

PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2003

Application or Docket Number

10/784062

CLAIMS AS FILED - PART I

| | (Column 1) | (Column 2) |
|---|---------------|--------------|
| TOTAL CLAIMS | 10 | |
| FOR | NUMBER FILED | NUMBER EXTRA |
| TOTAL CHARGEABLE CLAIMS | 10 minus 20 = | ✓ |
| INDEPENDENT CLAIMS | 3 minus 3 = | ✓ |
| MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/> | | |

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

| | (Column 1) | (Column 2) | (Column 3) |
|---|----------------------------------|------------------------------------|---------------|
| AMENDMENT A | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
| Total | * 12 | Minus ** 20 | = |
| Independent | * 4 | Minus *** 3 | = 1 |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/> | | | |

| | (Column 1) | (Column 2) | (Column 3) |
|---|----------------------------------|------------------------------------|---------------|
| AMENDMENT B | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
| Total | * | Minus ** | = |
| Independent | * | Minus *** | = |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/> | | | |

| | (Column 1) | (Column 2) | (Column 3) |
|---|----------------------------------|------------------------------------|---------------|
| AMENDMENT C | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
| Total | * | Minus ** | = |
| Independent | * | Minus *** | = |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/> | | | |

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

| RATE | FEE |
|-----------|--------|
| BASIC FEE | 385.00 |
| XS 9= | |
| X43= | |
| +145= | |
| TOTAL | |

| RATE | FEE |
|-----------|--------|
| BASIC FEE | 770.00 |
| XS18= | |
| X86= | |
| +290= | |
| TOTAL | 770 |

SMALL ENTITY OR

OTHER THAN SMALL ENTITY

| RATE | ADDITIONAL FEE |
|------------------|----------------|
| XS 9= | |
| X43= | |
| +145= | |
| TOTAL ADDIT. FEE | |

| RATE | ADDITIONAL FEE |
|------------------|----------------|
| XS18= | |
| X86= | |
| +290= | |
| TOTAL ADDIT. FEE | |

| RATE | ADDITIONAL FEE |
|------------------|----------------|
| XS 9= | |
| X43= | |
| +145= | |
| TOTAL ADDIT. FEE | |

| RATE | ADDITIONAL FEE |
|------------------|----------------|
| XS18= | |
| X86= | |
| +290= | |
| TOTAL ADDIT. FEE | |

| RATE | ADDITIONAL FEE |
|------------------|----------------|
| XS 9= | |
| X43= | |
| +145= | |
| TOTAL ADDIT. FEE | |

| RATE | ADDITIONAL FEE |
|------------------|----------------|
| XS18= | |
| X86= | |
| +290= | |
| TOTAL ADDIT. FEE | |

BEST AVAILABLE COPY